

CHAPTER NO. 292

HOUSE BILL NO. 1576

By Representative Rinks and Mr. Speaker Naifeh and Representatives Fitzhugh, Pinion, Patton, Phelan, Walker, McKee, Fraley, Ford, Lewis, Ferguson, Kent, Ralph Cole, Boyer, McDaniel, Ronnie Davis, Whitson, Lois DeBerry, Johnson, Montgomery, Todd, Sargent, Roach, Shepard, Ridgeway, Brenda Turner, Bittle, Godsey, Bone, West, McDonald, Garrett, Dunn, Pleasant, Hood, Chumney, Scroggs, Baird, David Davis, Buttry, Wood

Substituted for: Senate Bill No. 334

By Senators Clabough, McNally, Cooper, Dixon, Carter, Crutchfield, Elsea, Graves, Rochelle, Williams, Cohen, Haynes, Miller, Haun, Crowe, Trail, Fowler, Ramsey, Person, Herron, Harper, Norris, Burks

AN ACT to amend Tennessee Code Annotated, Title 55 and Title 56, relative to the financial responsibility of persons registering motor vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Section 12, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section 55-12-139.

(a) Every vehicle driven on the highways of this state must be in compliance with the financial responsibility law.

(b) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any other local ordinance regulating traffic; or at the time of an accident for which notice is required under Section 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Section 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault. For the purposes of this section, "financial responsibility" means:

(1) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977 has been issued;

(2) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977 has been paid or filed with the commissioner, or has qualified as a self-insurer under § 55-12-111; or

(3) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or

was owned by the United States, this state or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(c) It is an offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is a Class C misdemeanor punishable only by a fine of not more than one hundred dollars (\$100.00).

(d) The fines imposed by this section shall be in addition to any other fines imposed by title 55 for any other violation under such title.

(e) On or before the court date, the person so charged may submit evidence of compliance with this section at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed.

SECTION 2. Tennessee Code Annotated, Section 55-10-303(a), is amended by deleting the language "and parts 1-5 of this chapter," and by substituting instead the language ", parts 1-5 of this chapter and § 55-12-139,".

SECTION 3. Tennessee Code Annotated, Section 55-10-304, is amended by deleting the language "and parts 1-5 of this chapter" and by substituting instead the language ", parts 1-5 of this chapter and § 55-12-139".

SECTION 4. Tennessee Code Annotated, Section 55-10-305, is amended by deleting the language, "and parts 1-5 of this chapter" wherever it appears and by substituting instead the language ", parts 1-5 of this chapter and § 55-12-139".

SECTION 5. Tennessee Code Annotated, Section 55-10-306(b)(1), is amended by deleting the language "and parts 1-5 of this chapter" and by substituting instead the language ", parts 1-5 of this chapter and § 55-12-139".

SECTION 6. Tennessee Code Annotated, Section 55-10-307(a), is amended by deleting the language ", and 55-50-312, and may by ordinance" and by substituting instead the language ", 55-10-312, and 55-12-139, and may by ordinance".

SECTION 7. Tennessee Code Annotated, Section 55-10-310, is amended by deleting the language "and parts 1-5 of this chapter" and by substituting instead the language ", parts 1-5 of this chapter and § 55-12-139".

SECTION 8. Tennessee Code Annotated, Section 55-12-115, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-12-115.

(a) Upon receipt by the commissioner of a record of conviction of failing to show evidence of financial responsibility pursuant to § 55-12-139, the commissioner shall suspend the driver license of such person convicted of such offense.

(b) Such person may obtain reinstatement of their driver license by meeting the following requirements:

(1) Submitting evidence of financial responsibility as required by this section; and,

(2) Paying the fee provided for in § 55-12-129.

After which time, the person will be entitled to the return of such operating privileges upon successfully passing a driver license examination.

SECTION 9. Tennessee Code Annotated, Title 55, Chapter 12, Part 1, is amended by adding the following language as an appropriately designated new section:

Section 55-12-140.

(a) The record of conviction of an offense under Section 55-12-139(c), or a dismissal on grounds that evidence of financial responsibility did not exist at the time of the citation but was obtained prior to disposition by the court, shall be promptly transmitted to the department of safety. For any such conviction or dismissal occurring after July 1, 2003, the commissioner of safety shall not issue a renewal of registration for any vehicle for which evidence of financial responsibility is required under Section 55-12-139 until the person who was convicted of violating Section 55-12-139(c) furnishes proof of financial responsibility as defined in Section 55-12-139(b).

(b) This section shall not apply to any person who was in compliance with the Tennessee Financial Responsibility Law of 1977 at the time of the citation under Section 55-12-139(c) but was unable to produce evidence of compliance at the time of the citation. The court shall dismiss any such citation without costs to the defendant and no litigation tax shall be due or collected, notwithstanding any provision of law to the contrary.


SECTION 10. Sections 1-8 of this act shall take effect January 1, 2002, the public welfare requiring it. Section 9 of this act shall take effect on July 1, 2003, the public welfare requiring it.

PASSED: May 10, 2001


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 22nd day of May 2001


DON CONQUIST, GOVERNOR